

February 22, 1993

STATE AFFAIRS — S.B. 370, S.B. 87

SENT TO GOVERNOR

(February 19, 1993)

S.C.R. 13

S.C.R. 25

S.C.R. 26

S.B. 171

TWENTIETH DAY

(Tuesday, February 23, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend W. D. Turner, Grant Chapel A.M.E. Church, Austin, offered the invocation as follows:

Most gracious God, who from Your throne beholds all the dwellers upon earth, we humbly beseech You for Your servants, the Texas Senate, that they may always incline to Your will and walk in Your way; and that You will likewise bless all who are set in authority over us, that they may be dedicated to the advancement of Your glory, the good of Your church, the safety, honor, and welfare of the nation; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations. These, and all other necessities for them, for us, and for Your whole church, we humbly beseech in the name and mediation of Jesus Christ, our most blessed Lord and Savior. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Ellis and by unanimous consent, Senator Shapiro will be shown as Co-author of S.B. 287.

CO-AUTHORS OF SENATE BILL 364

On motion of Senator Moncrief and by unanimous consent, Senators Barrientos and Whitmire will be shown as Co-authors of S.B. 364.

MESSAGE FROM THE HOUSE

House Chamber
February 23, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 38, Commending Esther Rice on the many significant contributions she has made to the citizens of Galveston County.

H.C.R. 57, Honoring the Museum of the Southwest on its 25th anniversary.

S.C.R. 29, Commending and applauding the Junior Helping Hand Home for Children for its 100 years of meritorious service to its clients.

S.C.R. 31, Declaring February 25, 1993, as Austin Poster Artist Day.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions after the caption had been read in the presence of the Senate:

H.C.R. 35
H.C.R. 50
S.J.R. 4
S.C.R. 19
S.C.R. 27

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 32 by Ellis, Moncrief, West Administration
Granting Clarence Brandley permission to sue the State of Texas, the Texas Department of Criminal Justice, and the Texas Department of Public Safety.

S.B. 426 by Sibley, Lucio Education
Relating to family practice residency training pilot programs.

S.B. 427 by Ellis Health and Human Services
Relating to the duty of non-profit, tax-exempt hospitals to provide charity care.

S.B. 428 by Armbrister Economic Development
Relating to symbols imprinted on or molded into certain plastic containers.

- S.B. 429** by Whitmire Intergovernmental Relations
Relating to campus security personnel commissioned as peace officers.
- S.B. 430** by Whitmire Intergovernmental Relations
Relating to the commission and duties of school district peace officers.
- S.B. 431** by Whitmire Intergovernmental Relations
Relating to the commissioning as peace officers of armed security personnel employed by a school district.
- S.B. 432** by Madla Criminal Justice
Relating to the powers and duties of a county bail bond board.
- S.B. 433** by Brown Intergovernmental Relations
Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.
- S.B. 434** by Whitmire Intergovernmental Relations
Relating to restrictions on the ability of county civil service employees to run for certain elective offices.
- S.B. 435** by Sibley Finance
Relating to enabling and appropriating money to the General Services Commission to purchase one or more existing buildings in McLennan County through bonds issued by the Texas Public Finance Authority.
- S.B. 436** by Ellis, Rosson Committee of the Whole Senate on
Redistricting, Ethics and Elections
Subcommittee on Elections and Ethics
Relating to the registration of voters at a polling place.
- S.B. 437** by Brown, Shapiro State Affairs
Relating to retirement eligibility and benefits for certain members of the Teacher Retirement System of Texas.
- S.B. 438** by Brown State Affairs
Relating to a seller's duty to disclose the condition of real property to a purchaser.
- S.B. 439** by Brown Jurisprudence
Relating to the specification of venue for actions arising from certain major transactions.
- S.B. 440** by Brown Natural Resources
Relating to authorization for Parks and Wildlife to receive fines for failure to appear and to the donation of seized aquatic life and wildlife; providing penalties.
- S.B. 441** by Brown Natural Resources
Relating to the issuance of tags for certain finfish species and to the definition of fish dealers; providing penalties.
- S.B. 442** by Carriker Natural Resources
Relating to the use of herbicides in certain counties.
- S.B. 443** by Whitmire Intergovernmental Relations
Relating to municipal civil service.

S.B. 445 by Moncrief Health and Human Services
Relating to the Board of Public Health.

The following Message from the Governor was read and was referred to the Committee on Nominations:

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

TO BE A MEMBER OF THE TEXAS WATER DEVELOPMENT BOARD
for a term to expire December 31, 1997:

Mr. Jenness is being reappointed.

Governor of Texas

The "Doctor for the Day," Dr. Jimmy Randles of Waco, was introduced to the Senate by Senator Sibley.

The Senate expressed appreciation and gratitude to Dr. Randles for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

House Chamber
February 23, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 2, Relating to the application of the doctrine of forum non conveniens to certain actions.

S.B. 4, Relating to products liability. (As amended)

**BETTY MURRAY, Chief Clerk
House of Representatives**

GUESTS PRESENTED

Senator Sims was recognized and introduced Sandra Reves, a teacher at Lueders High School in Shackelford County, and three of her honor students, Lorrie Gann, Michelle McLellan, and Scott Youngquist, who are here participating in an internship program in Senator Sims' office.

The Senate welcomed these guests.

GUEST PRESENTED

Senator West was recognized and introduced Don O'Bannon, member of the Dallas Park Board.

The Senate welcomed Mr. O'Bannon.

SENATE RESOLUTION 302

Senator Turner offered the following resolution:

WHEREAS, The City of Palestine enjoys a reputation as one of the most vibrant and progressive communities in the rich agricultural and commercial region of East Texas; and

WHEREAS, Ideally situated between the Neches and Trinity rivers, the area around Palestine attracted many early settlers who were drawn by the fertile soils of the post oak savannah and the abundant timber of the pine woods; and

WHEREAS, Among these original settlers was the family of Daniel Parker, who came to Texas in 1833 from Palestine, Illinois; members of this pioneer family established several early settlements in the area, including a new community they named after the family's former home; and

WHEREAS, When Anderson County was organized in 1846, the town of Palestine occupied the geographical center of the new county and was chosen as the county seat; the county's first courthouse was erected in Palestine the following year; and

WHEREAS, Served by the International-Great Northern and the Texas and New Orleans railroads, Palestine became an early market and distribution point for the rapidly growing agricultural district surrounding it; and

WHEREAS, Today, the modern city of Palestine continues to be a thriving commercial center, deriving its prosperity from a diverse economic base that includes manufacturing, agriculture, and shipping industries; and

WHEREAS, Adding to the exceptional quality of life to be found in Palestine are the community's excellent educational facilities at Trinity Valley Community College, the superb recreational opportunities for water sports at nearby Lake Palestine, and several historic points of interest; and

WHEREAS, The Dogwood Trails Festival, held each March when the dogwood trees are in full bloom, is one of the community's biggest social events and one that attracts delighted visitors from across the state; and

WHEREAS, The citizens of Palestine understandably take great pride in celebrating the virtues of life in East Texas, and it gives the members of this legislative body great pleasure to join with these fellow Texans in saluting their community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby recognize February 23, 1993, as Palestine Day at the Texas Capitol and extend best wishes to all of its citizens on this noteworthy occasion.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Turner, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Turner was recognized and introduced the following guests from Palestine, Texas, who were here in celebration of Palestine Day: Max Aldridge, Vice-president of Governmental Affairs for the Chamber of Commerce; John Ballard McDonald, County Judge of Anderson County; Jean Mollard, President of the Chamber of Commerce; and Jackson Hanks, Mayor.

The Senate welcomed these guests.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 13, the President announced the appointment of the following Escort Committee for the Sam Houston Bicentennial Celebration Commission to the Joint Session: Senators Turner, Chair; Armbrister, Halcy, Patterson, and Shelley.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 50, the President announced the appointment of the following as a Committee to Escort Chief Justice Tom Phillips to the Joint Session: Senators Carriker, Chair; Brown, Patterson, Shapiro, and Nelson.

SENATE BILL 370 ON SECOND READING

Senator Henderson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 370 be taken up for consideration at this time:

S.B. 370, Relating to the designation of benzodiazepine as a controlled substance under the Texas Controlled Substances Act.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 370 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 370 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 246 ON SECOND READING

Senator Truan moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 246 be taken up for consideration at this time:

S.B. 246, Relating to the conveyance of property from a county to Texas A&I University Foundation, Inc.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 163 ON SECOND READING**

Senator Carriker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 163 be taken up for consideration at this time:

C.S.S.B. 163, Relating to the protection of buildings and grounds at private institutions of higher education.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 163 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 163 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Justice of the COURT OF APPEALS, SECOND SUPREME JUDICIAL DISTRICT: Judge Sidney C. Farrar, Jr., Tarrant County.

To be Members of the UNIVERSITY OF NORTH TEXAS BOARD OF REGENTS: William David Bayless, Sr., Grayson County; Nancy Strauss Halbreich, Dallas County; Don L. Rives, Travis County.

To be Members of the TEXAS AIR CONTROL BOARD: Dr. Elaine

Mowinski Barron, El Paso County; Dr. Jack V. Matson, Harris County; Kirk P. Watson, Travis County.

To be Members of the ANGELINA AND NECHES RIVER AUTHORITY BOARD OF DIRECTORS: John Phillip Friesen, Angelina County; Barbara H. Green, Cherokee County; Wylie A. Pirkle III, Henderson County; Paul H. "Pete" Smith, Nacogdoches County; Herman Wright, Jasper County.

To be Members of the CENTRAL COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: Herman Benton Cassaday, Coleman County; Thelbert Elkins, Coleman County.

To be Members of the COASTAL WATER AUTHORITY BOARD OF DIRECTORS: Johnnie Glenn Jennings, Chambers County; S. Elwood York, Jr., Harris County.

To be Members of the GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS: Joseph Patrick Kelly, Victoria County; Warren P. "Pat" Kirksey, Caldwell County; John C. Taylor, Guadalupe County.

To be Members of the LAVACA-NAVIDAD RIVER AUTHORITY BOARD OF DIRECTORS: Harry L. Hafernick, Jackson County; J. B. Housson, Jackson County; Theresa McCaig, Jackson County.

To be Members of the LOWER CONCHO RIVER WATER AND SOIL CONSERVATION AUTHORITY: Eugene R. Rodgers, Concho County; Benjamin O. Sims, Concho County.

To be a Member of the NUECES RIVER AUTHORITY BOARD OF DIRECTORS: Madge Elizabeth Belcher, Kinney County.

To be a Member of the RED RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: Edward L. Lehman, Jr., Wilbarger County.

To be Members of the RUNNELS COUNTY WATER AUTHORITY BOARD OF DIRECTORS: Pamela Bauerlein, Runnels County; Dalton E. Crockett, Runnels County; L. Aubrey Faubion, Jr., Runnels County.

To be Members of the SABINE RIVER AUTHORITY BOARD OF DIRECTORS: Nolton L. Brown, Orange County; Ottis H. "Bo" Lewis, Sabine County; Geraldine Jordan Nichols, Wood County.

To be Members of the SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS: Mike Huddleston, Bowie County; Ivory E. Moore, Hunt County.

To be Members of the UPPER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: Victor Wayne Choate, Tom Green County; Ruby N. Gutierrez, Tom Green County; Patricia Pruitt Ivey, Coke County; Sara T. Ortiz, Mitchell County.

To be a Member of the UPPER GUADALUPE RIVER AUTHORITY BOARD OF DIRECTORS: Donald C. Oehler, Kerr County.

To be Members of the UPPER NECHES RIVER MUNICIPAL WATER

AUTHORITY: Edward McCoy, Jr., Anderson County; Cathy Ann Stark, Anderson County.

To be a Member of the EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS: William Oren Lamb, Atascosa County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

MOTION TO RECESS AND ADJOURN

On motion of Senator Harris of Dallas and by unanimous consent, the Senate at 11:31 a.m. agreed to recess until 12:30 p.m. today, at which time the Senate would convene in Joint Session in the Chamber of the House of Representatives.

The Senate further agreed to stand adjourned, upon conclusion of the Joint Session today, until 11:00 a.m. tomorrow.

RECESS

On motion of Senator Harris of Dallas, the Senate at 11:32 a.m. recessed until 12:30 p.m. today.

AFTER RECESS

JOINT SESSION

(In celebration of the bicentennial of the birth of Sam Houston)

The President Pro Tempore of the Senate, Senator Montford, and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, met in the Hall of the House of Representatives at 12:30 p.m. in celebration of the bicentennial of the birth of Sam Houston.

The President Pro Tempore was announced and, on invitation of the Speaker, occupied a seat at the Speaker's rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

Mr. Houston Daniel and the descendants of Sam Houston, the Honorable Ann W. Richards, and the Honorable Jim Wright, former Speaker of the United States House of Representatives, and their party were announced and were escorted to the Speaker's rostrum by Senators Turner, Chair; Armbrister, Haley, Patterson, and Shelley on the part of the Senate and Representatives Hightower, Chair; Bailey, Glaze, Hunter of Taylor, Maxey, and Stiles on the part of the House.

The Honorable Pete Laney, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The President Pro Tempore called the Senate to order, announced a quorum of the Senate present, and stated the purpose of the Joint Session.

The President Pro Tempore then introduced Mr. Houston Daniel, Chair of the Sam Houston Bicentennial Celebration Commission, who offered the prayer and introduced members of the bicentennial commission, descendants of Sam Houston, and other guests.

Mr. Daniel then introduced Mr. Charles W. Fisher, Jr., of Liberty, President of the Atascosito Historical Society.

Mr. Fisher briefly addressed the Joint Session and then presented Governor Richards and the State of Texas with a bust of Sam Houston.

Governor Richards accepted the bust on behalf of the State of Texas and made brief remarks to the Joint Session.

Governor Richards then introduced the Honorable Jim Wright, former Speaker of the United States House of Representatives. (Speaker Wright's address will be printed in the Tuesday, February 23, 1993, House Journal.)

Mr. Daniel then introduced Dr. Martin J. Anisman, President of Sam Houston State University.

Dr. Anisman made brief remarks, introduced the Chancellor and members of the Board of Regents of Sam Houston State University, and extended an invitation to attend the bicentennial celebration in Huntsville.

AT EASE

Speaker Laney announced the purpose for which this portion of the Joint Session was called having been completed, the Joint Session would stand At Ease until 1:30 p.m.

IN LEGISLATIVE JOINT SESSION

Speaker Pro Tempore of the House of Representatives, Representative Uher, called the Joint Session to order at 1:30 p.m.

JOINT SESSION

(To hear the State of the Judiciary Address by the Honorable Tom Phillips, Chief Justice of the Supreme Court of Texas)

The Honorable Tom Phillips, Chief Justice of the Supreme Court of Texas, and his party were announced and were escorted to the Speaker's rostrum by Senators Carriker, Chair; Brown, Patterson, Shapiro, and Nelson on the part of the Senate and Representatives Thompson of Harris, Chair; Alvarado, Cuellar of Webb, Gallego, Goodman, Hartnett, Hilbert, Puente, Sadler, Schechter, and Zbranek on the part of the House.

The Speaker Pro Tempore stated the purpose of the Joint Session and introduced Chief Justice Phillips, who addressed the Joint Session. (Chief Justice Phillips' address will be printed in the Tuesday, February 23, 1993, House Journal.)

The Joint Session having been concluded, the House stood At Ease pending the departure of the guests.

CONGRATULATORY RESOLUTIONS

S.R. 301 - By Lucio: Recognizing the faculty and staff of Felipe R.

Perez Elementary School, who have been serving the children of Brownsville for 18 years.

S.R. 303 - By Barrientos: Recognizing Jesse and Alice Limon on the occasion of the Grand Opening of Don Limon's Restaurant and Bakery in Austin.

S.R. 305 - By West: Commending disc jockey Tom Joyner on his retirement and for the enjoyment he has provided to his listeners in Dallas and Chicago through the years.

ADJOURNMENT

President Pro Tempore Montford announced at 2:00 p.m. that pursuant to a previously adopted motion, the Senate would stand adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 23, 1993

JURISPRUDENCE — C.S.S.B. 311

CRIMINAL JUSTICE — S.B. 46

HEALTH AND HUMAN SERVICES — C.S.S.B. 90, C.S.S.B. 267, S.B. 277, S.B. 284, S.B. 310

ECONOMIC DEVELOPMENT — S.B. 238, C.S.S.B. 336, C.S.S.B. 162

FILED WITH SECRETARY OF STATE

(February 23, 1993)

S.J.R. 4

SENT TO GOVERNOR

(February 23, 1993)

S.C.R. 3

S.C.R. 10

S.C.R. 19

S.C.R. 27

S.B. 146